

DRAFT TRANSCRIPT. FOR TRIAL PREPARATION ONLY.

UNITED STATES DEPARTMENT OF JUSTICE
BROOKLYN, NEW YORK

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CASE AGENTS:

SA NAUSHAUN C. RICHARDS

PARTICIPANTS:

BS: BOGDAN STARZECKI

LH: LEE HYMOWITZ, ESQ.

ABBREVIATIONS:

UI: UNINTELLIGIBLE

PH: PHONETIC

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LH: Hello

BS: Hi, how are you, Lee. It's Bob from MCR. How are you doing?

LH: Good, Bob. What's up?

BS: Everything is fine. thank you. Lee, I was talking to Mike last week to send me that invoice for that retainer, which you guys . . .

LH: What do you mean by an invoice? I am not sure what you mean.

BS: Okay. Do you remember we did have that retainer with you guys a while ago. I spoke with Mike. I told him that I'm having IRS audit, and I need to cover it.

LH: What do you need, like a cancelled check or something?

BS: No, what I need, I need the itemized bill for the legal services.

LH: We wouldn't keep anything like that if we had it. We wouldn't keep billing. We wouldn't keep that.

BS: So you know what, what can I do. I need to have it. Can you guys create it one or something.

LH: I don't know how we could create something to give to the federal government. I can give you a letter saying that you paid us that money. I can get cancelled checks for you.

BS: Okay. Okay. I guess this is okay. But let me see if, you know, if, that will be enough because they definitely told me, you know, that we need to have an itemized...

LH: I don't know if we have anything such as that. What I can probably do, I can tell you, I can go back into the computer and tell you when that check was given to us. I could probably get a copy of the cancelled check from our bank. I can do that. I don't know anything else that we could possibly do.

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BS: Yeah, I mean, you know what, I really really need this thing done because otherwise you know, they gonna, you know, create problems for everybody and then they already questioning.

LH: I am not understanding why they would question if you have a cancelled check from us, I don't understand what they would be questioning.

BS: Well, this is basically what they are telling me. And the retainer, it is for real estate deal. They are saying there need to be some kind of detailed invoice how the fees were dispersed.

LH: We certainly don't have that at this point in time. We have no, I don't think we have any records of that. So we, once we get a check in, we don't keep records of things that are paid.

BS: Well, you know what, I really don't know what to do then. Because, that's the stickler [UI], they have. There is also another payment which we got for thirty-four and change, you know, which I have nothing at all about that.

LH: I don't know anything about them. If you tell me you paid those to us, I am sure you did. And I know I can go back into the computer and get when they were paid, and I can probably call the bank and get copies of the check if we don't still have them. How many years ago are we talking about?

BS: You know we are talking about like around four and a half years ago or so. I think it was...

LH: How many years ago?

BS: Four and a half years ago. I think it was a "07." I have this audit going for a little while, you know. So this is the last thing, basically, what they come up with. I did pay you guys that month [UI] so you know. I need some help.

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LH: You can tell them that...I understand that, but I wouldn't even know how to create something. And if it's going to the government, I certainly wouldn't want to make a mistake in creating something that's incorrect.

BS: I understand that

LH: So what I can do is, as I said, I can give you, you know, the cancelled checks to show that we received the money. That's easy for us to do. I mean, that I can do. I can probably get our bank statement to show when the check was put in. I can do that sort of stuff. I don't know what else to do for you.

BS: Well.

LH: You know, speak to your accountant and ask him...I assume you have an accountant that's dealing with this at the IRS.

BS: Yes, yes, absolutely. And also, this the only thing which basically left, and he is telling me, we need to get this thing done as soon as possible. So we can put this thing

LH: Well, I can get you that [UI] done. I can find out how fast it would take to get that. I think we probably have our bank statements and stuff probably in, you know, storage. So we would just have to order the box and go through the files, and see which copies of your check would be in there because we usually make a copy of the check, and we can show when it was deposited. I see that's, that's what I am confused with. I assumed you gave them a copy of the check.

BS: I gave them already the copy of the check. I gave them already the copy of the...

LH: Yeah but then I don't know why they would be questioning anything.

BS: Well, that's what I am getting from this, so...

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LH: I don't know. I know as a general rule we don't keep copies of, you know, like the invoices once they're paid. It goes into a book. Once an invoice is paid, it's just ripped out of the book and disposed of. So we don't keep any of those types of things.

BS: Yeah because the only thing you gave me, it's the retainer agreement. That's the only thing. That's what I have.

LH: Hello? Bob, you still there?

BS: Hello. Yes, yes I am.

LH: Oh, okay. I got you better now.

BS: Oh, okay. Lee, can you hear me? Oh okay.

LH: Yes. I hear you now, yes.

BS: The only thing which I received from you guys, it was the retainer agreement.

LH: Your breaking up again.

BS: The only thing which I received from you guys was a retainer agreement. That's the only thing which I received

LH: Correct. Okay.

BS: So you know what, I really don't know what to do now. I guess, you know, we'll be in touch at this point because, you what...I really don't know what else to do...they are questioning and they need this thing. I really need this thing, and I really need help on it.

LH: I understand you need help. I don't how I can assist you other than what I just suggested I know we can do.

BS: I see.

LH: I don't know of any records we keep in regards to any of those types of things.

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BS: I see.

LH: It's just, it would be...it's just not anything we do. I mean, so I don't know how to make something up that we don't have.

BS: Alright.

LH: Alright, so have your accountant give me a call. Maybe he can explain something else that he needs from us. Or I assume your accountant is dealing with them, so...

BS: Yes, yes. Absolutely.

LH: If he calls me, maybe there's something else we can do to assist you.

BS: Okay.

LH: I just don't know how to make something up out of the clean, out of the blue sky and submit it to the federal government or the state government. Is this state or federal?

BS: No, this is federal. This is IRS.

LH: Yeah, so I can't just make something up out of clear blue sky.

BS: I understand. I understand.

LH: Okay.

BS: I understand. Just...

LH: That's a worse problem for you than anything else. To make up a fake document to go to the government, that would be a hundred times worse.

BS: Alright, so listen. You know what, I really don't know what to say, you know, because we did pay you guys. And you know, if I can't get this thing, I want this thing anyway. Hello?

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LH: Yeah, I am here. I am here. I don't what to tell you. Have your accountant give me a call. Whatever he can suggest to me, I am more than happy to help you.

BS: Alright, no problem because, you know, I did pay you the way you wanted, so I really need this thing to be done. I really need the itemized invoice. I really have to have it.

LH: I don't know how to do that, though. You're asking me to prepare something that would not be legitimate. I can't do that.

BS: Alright.

LH: I don't know how to make it up.

BS: Alright, Lee. You know what, I guess my accountant is going to call you, maybe...

LH: Yeah, please let him call me. We're happy to help in any way we can.

BS: Alright, Lee. Thank you very much. Bye.